

R E M A R K S

Applicant has carefully studied the outstanding Official Action in the present application. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claim 25 is objected to because of informalities.

Claims 7 and 31-36 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 43, 51, 63-67 and 69-71 stand rejected under 35 U.S.C. 102(e) as being anticipated by Brick, et al. Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al. in view of Goodwin, III. Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al. in view of Goodwin, III, and further in view of Habing et al. Claims 3, 4 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al. in view of Goodwin, III, and further in view of Habing et al., and further in view of Roberts. Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al. in view of Goodwin, III, and further in view of Mitchell et al. Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al. in view of Goodwin, III, and further in view of Mitchell et al., and further in view of Hockaday. Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al. in view of Goodwin, III, and further in view of Habing et al., and further in view of Flint.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Plocher in view of Faul et al. Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Plocher in view of Faul et al, further in view of Kump et al in view of Goodwin, III. Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Plocher in view of Faul et al, further in view of Kump et al in view of Goodwin, III, further in view of Habing et al. Claims 13 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Plocher in view of Faul et al, further in view

of Kump et al in view of Goodwin, III, further in view of Roberts. Claims 15 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Plocher in view of Faul et al, further in view of Kump et al in view of Goodwin, III, further in view of Mitchell. Claims 19 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Plocher in view of Faul et al, further in view of Kump et al in view of Goodwin, III in view of Mitchell, and further in view of Hockaday.

Claims 21 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman et al in view of Mitchell. Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Mitchell, further in view of Sejzer. Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Mitchell, further in view of Yao et al. Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Mitchell, further in view of Maile et al. Claims 25, 26 and 62 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Mitchell, further in view of Hockaday. Claims 27, 29, 30, 38 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Mitchell, further in view of Roberts. Claims 28 and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Mitchell in view of Roberts, further in view of Habing.

Claims 31, 35 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Hockaday. Claim 32 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Hockaday, further in view of Sejzer. Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Hockaday, further in view of Yao et al. Claim 34 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Hockaday, further in view of Maile et al.

Claim 42 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Plocher in view of Komaki. Claim 44 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Brick, further in view of Plocher and Faul et al. Claim 45 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Brick in view of Plocher and Faul et al, further in view of Komaki. Claim 46 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Brick, in view of Plocher, Faul and Komaki, further in view of Mitchell. Claims 48 and 50 stand rejected under 35 U.S.C. 103(a) as

being unpatentable over Brick, in view of Plocher, Faul, Komaki and Mitchell, and further in view of Hockaday. Claim 49 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Brick, in view of Plocher, Faul, Komaki and Mitchell, and further in view of Maile. Claims 52-61, 68 and 72 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brick, in view of Halperin et al.

Applicant expresses his appreciation to Examiner Kumiko C. Koyama and SPE Michael G. Lee for the courtesy of a telephone interview, which was granted to Applicant's representative, Sanford T. Colb (Reg. No. 26,856). The interview was held on September 5, 2003.

In the course of the interview, claim 10 was discussed. The Interview Summary Record states, in relevant part, that "The examiner's supervisor and the examiner believe that the non-IR visible light sensor and the circuitry for employing the output of the non-IR visible light sensor for reducing interference in a signal band sensed by the IR sensor is allowable subject matter. Upon discussion with Mr. Colb, he agreed to rewrite and submit an amendment to the claims so that all the pending independent claims will have the allowable subject matter."

Claim 10 is thus deemed to be allowable. Additionally, applicant has amended independent shelf label claims 1, 21, 31, 37 and 42 to also include the recitation of "at least one receiver receiving IR transmissions including: an IR sensor; a non-IR visible light sensor; and circuitry for employing an output of the non-IR visible light sensor for reducing interference in a signal band sensed by said IR sensor." Applicant has also amended independent shelf label system claims 43, 51, 52 and 63 to also include the recitation of "said at least one IR receiver including: an IR sensor; a non-IR visible light sensor; and circuitry for employing an output of the non-IR visible light sensor for reducing interference in a signal band sensed by said IR sensor." Independent claims 1, 21, 31, 37, 42, 43, 51, 52 and 63 are, therefore, deemed allowable.

Claims 10, 26 and 36 have been amended to correct minor errors. Claims 7, 15, 19, 20, 25, 28, 29, 54, 56, 57, 59, 65, 67, 68 and 70 have been amended to provide proper antecedent basis. Claims 48-49, 60 and 71 have been amended to provide a suitable preamble. Claims 30 and 50 have been amended to depend from claims which provide proper antecedent basis to the items claimed therein. Claim 45 has been

amended to depend from claim 33 instead of cancelled claim 44.

Claims 41, 44 and 62 have been cancelled without prejudice.

As discussed hereinabove, claim 1 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable. Claims 2-9 depend directly or ultimately from amended claim 1 and recite additional patentable subject matter and therefore are also deemed allowable a fortiori.

As discussed hereinabove, claim 10 is deemed allowable. Claims 11-20 depend directly or ultimately from claim 10 and recite additional patentable subject matter and therefore are also deemed allowable a fortiori.

Claim 21 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable. Claims 22-30 depend directly or ultimately from amended claim 21 and recite additional patentable subject matter and therefore are also deemed allowable a fortiori.

Claim 31 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable. Claims 32-36 depend directly or ultimately from amended claim 31 and recite additional patentable subject matter and therefore are also deemed allowable a fortiori.

Claim 37 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable. Claims 38-40 depend directly or ultimately from amended claim 37 and recite additional patentable subject matter and therefore are also deemed allowable a fortiori.

Claim 42 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable.

Claim 43 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable. Claims 45-50 depend directly or ultimately from amended claim 43 and recite additional patentable subject matter and therefore are also deemed allowable a fortiori.

Claim 51 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable.

Claim 52 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable. Claims 53-61 depend directly or ultimately from amended claim 52 and recite additional patentable subject matter and therefore are also

deemed allowable a fortiori.

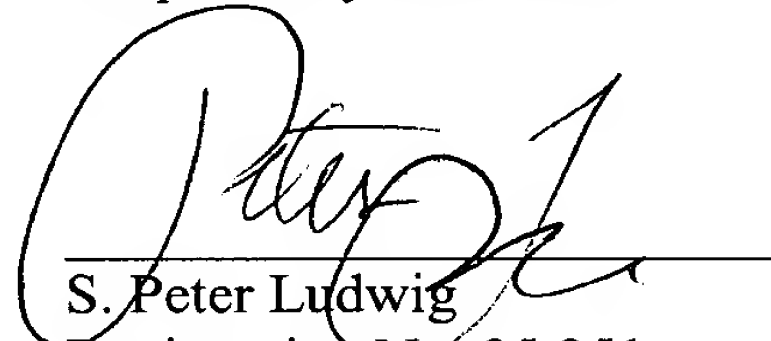
Claim 63 has been amended to include the recitation of allowable claim 10 and is therefore deemed allowable. Claims 64-72 depend directly or ultimately from amended claim 63 and recite additional patentable subject matter and therefore are also deemed allowable a fortiori.

Applicant reserves the right to pursue the claims as filed in the context of a continuation application.

Applicant has carefully studied the remaining prior art of record herein and concludes that the invention as described and claimed in the present application is neither shown in nor suggested by the cited art.

In view of the foregoing amendments, all of the claims are deemed to be allowable. Favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,


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